

**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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HF 2528 - Child Custody Orders, Authority (LSB 5260 HV)  
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Fiscal Note Version - New

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**Description**

House File 2528 relates to the consideration of a Juvenile Court order by the District Court in a custody proceeding. House File 2528 allows Juvenile Court authority to suspend child support payments if the Juvenile Court removes the child from custody of the custodial parent, and child support payments could be suspended for the time the child is not in custody.

**Assumptions**

1. House File 2528 may result in additional hearings for child support custody, but there is insufficient information to determine the number of hearings. This Bill will also impose additional duties on the Clerks of Court for providing notices and filing orders. This additional cost per case is estimated to range from \$50 to \$200.
2. House File 2528 could result in the loss of federal funding and incentives if the federal Office of Child Support Enforcement determines Iowa's State Plan no longer conforms to Title IV-D requirements of the Social Security Act. This includes a 90.0% federal match on paternity testing, a 66.0% federal match on other expenditures, and performance incentive payments. The approximate loss of Title IV-D funding is \$34.0 million annually. The federal Temporary Assistance to Needy Families (TANF) block grant funding is also contingent on the approval of Iowa's State Plan.
3. There are approximately 166,000 children under the age of 18 who currently receive child support payments and services from the Child Support Recovery Unit in the Department of Human Services. The number of children who may be removed from custodial parents and for whom the Juvenile Court would suspend support under this Bill is unknown.
4. Federal law prohibits retroactive modification of child support. Iowa law includes that prohibition under Section 598.21(8), Code of Iowa. House File 2528 notwithstanding this prohibition. If Juvenile Courts retroactively eliminate support due on existing cases on July 1, 2004, it will conflict with federal law (42 USC 666(a)(9)).

**Fiscal Impact**

The fiscal impact for HF 2528 cannot be determined.

**State General Fund**

The cost to the Judicial Branch would be an additional \$50 to \$200 per case, however, the number of cases is unknown. Therefore, the total cost of HF 2528 cannot be determined.

**Federal Funds**

House File 2528 may result in a loss of Title IV-D federal funds totaling approximately \$34.0 million annually.

**Local Government Funding**

House File 2528 may increase the amount of notices served by county sheriffs and may result in the discontinuation of county contracts with county attorneys for Juvenile Court proceedings. The impact on local governments cannot be determined due to insufficient information.

**Sources**

Judicial Branch  
Department of Human Services

Dennis C Prouty

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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